

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)
Lordstown Motors Corp., *et al.*,¹) Chapter 11
Debtors.) Case No. 23-10831 (MFW)
) (Jointly Administered)
)
)

**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON OCTOBER 5, 2023 AT 10:30 A.M. (EDT)**

**THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND REQUIRES
ALL PARTICIPANTS TO REGISTER IN ADVANCE. COURTCALL
WILL NOT BE USED TO DIAL IN.**

PLEASE USE THE FOLLOWING LINK TO REGISTER FOR THE HEARING:

https://debuscourts.zoomgov.com/meeting/register/vJIsfu2gqz8tGYVDdVhWqdL3_zZ8WM7gdKk

**ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL
CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.**

I. RESOLVED MATTER:

1. Edward Hightower and Adam Kroll's Motion for Relief from the Automatic Stay, to the Extent Applicable, to Permit Payment, Reimbursable and/or Advancement of Defense Costs and Fees, and Related Expenses, Under Directors and Officers Insurance Policies [[Docket No. 437](#); filed September 19, 2023]

Response/Objection Deadline: September 28, 2023 at 4:00 p.m. (EDT)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Edward Hightower and Adam Kroll's Motion for Relief from the Automatic Stay, to the Extent

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors' service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

² Amended agenda items appear in bold.

Applicable, to Permit Payment, Reimbursement and/or Advancement of Defense Costs and Fees, and Related Expenses, Under Directors and Officers Insurance Policies [[Docket No. 487](#); filed September 29, 2023]

- ii. Order Granting Relief from the Automatic Stay, to the Extent Applicable, to Permit Payment, Reimbursement and/or Advancement of Defense Costs and Fees and Related Expenses to Edward Hightower and Adam Kroll Under Directors and Officers Insurance Policies [[Docket No. 495](#); entered October 2, 2023]

Status: On October 2, 2023, the Court entered an order in connection with this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

II. MATTER FILED UNDER A CERTIFICATION OF COUNSEL:

- 2. Motion of Official Committee of Equity Security Holders for Entry of an Order Permitting Securities Trading Upon Establishment of a Screening Wall [[Docket No. 435](#); filed September 19, 2023]

Response/Objection Deadline: September 28, 2023 at 4:00 p.m. (EDT)

Responses/Objections Received: None

Related Documents:

- i. Certification of Counsel Regarding Motion of Official Committee of Equity Security Holders for Entry of an Order Permitting Securities Trading Upon Establishment of a Screening Wall [[Docket No. 497](#); filed October 2, 2023]
- ii. **Order Granting Motion of Official Committee of Equity Security Holders for Entry of an Order Permitting Securities Trading Upon Establishment of a Screening Wall [[Docket No. 512](#); entered October 4, 2023]**

Status: On October 4, 2023, the Court entered an order in connection with this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

III. CONTESTED MATTER GOING FORWARD:

- 3. Debtors' Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 89](#); filed July 6, 2023] (the "Application")

Response/Objection Deadline:

July 20, 2023 at 4:00 p.m. (EDT); extended through and including August 18, 2023 for the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”); extended by agreement for the Official Committee of Unsecured Creditors (the “Creditors’ Committee”)

Responses/Objections Received:

A. Informal comments from the Creditors’ Committee

Status: The informal response of the Creditors’ Committee is resolved based upon the inclusion of agreed language in a revised form of order granting the Application.

B. Objection of the United States Trustee to Debtors’ Application to Employ Richards, Layton & Finger, P.A. [[Docket No. 267](#); filed August 18, 2023]

Status: The U.S. Trustee’s objection is unresolved and will go forward on a contested basis.

Related Documents:

- i. Supplemental Declaration of Kevin Gross in Support of Debtors’ Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 223](#); filed August 3, 2023]
- ii. Second Supplemental Declaration of Kevin Gross in Support of Debtors’ Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 244](#); filed August 12, 2023]
- iii. Debtors’ Reply in Support of Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 460](#); filed September 21, 2023]
- iv. Re-Notice of “Debtors’ Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date” and Hearing Thereon [[Docket No. 461](#); filed September 21, 2023]
- v. **Debtors’ and U.S. Trustee’s Joint Witness and Exhibit List for Hearing Scheduled for October 5, 2023 at 10:30 a.m. (Prevailing Eastern Time) [[Docket No. 505](#); filed October 3, 2023]**

vi. **Notice of Filing of Debtors' and U.S. Trustee's *Amended* Joint Witness and Exhibit List for Hearing Scheduled for October 5, 2023 at 10:30 a.m. (Prevailing Eastern Time) [[Docket No. 509](#); filed October 4, 2023]**

Witness Information:

Debtors' Witnesses:

- i. The Honorable Kevin Gross (Ret.), Of Counsel at Richards, Layton & Finger, P.A., Wilmington, Delaware
- ii. Melissa Leonard, Executive Vice President, General Counsel & Secretary of the Debtors, Lordstown, Ohio

Status: The hearing on this matter will go forward on a contested basis. The U.S. Trustee has agreed to the admission of the declarations of Kevin Gross and Melissa Leonard subject to reservation of the right to cross-examine on any additional direct testimony.

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Dated: October 4, 2023

Respectfully submitted,

/s/ Jason M. Madron

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Daniel J. DeFranceschi (No. 2732)
Paul N. Heath (No. 3704)
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